

SENATE AMENDMENTS

2nd Printing

By: Raymond, Dukes

H.B. No. 2170

A BILL TO BE ENTITLED

AN ACT

1
2 relating to assisting a foster child in obtaining the child's
3 credit report.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 264, Family Code, is
6 amended by adding Section 264.016 to read as follows:

7 Sec. 264.016. CREDIT REPORT FOR FOSTER CHILD. The
8 department shall ensure that each child in the permanent managing
9 conservatorship of the department who is 16 years of age or older:

10 (1) obtains a free copy of the child's credit report in
11 accordance with the Fair and Accurate Credit Transactions Act of
12 2003 (Pub. L. No. 108-159) each year until the child is discharged
13 from foster care; and

14 (2) receives information regarding interpreting the
15 report and the procedure for correcting inaccuracies in the report.

16 SECTION 2. Section 264.016, Family Code, as added by this
17 Act, applies to a child in the permanent managing conservatorship
18 of the Department of Family and Protective Services on or after the
19 effective date of this Act.

20 SECTION 3. This Act takes effect September 1, 2011.

ADOPTED

MAY 18 2011

Antony Spaw
Secretary of the Senate

P. Christy

AMENDMENT NO. 1

By: _____

1 Amend H.B. No. 2170 by adding the following appropriately numbered
2 SECTION to the bill and renumbering existing SECTIONS accordingly:

3 SECTION ____ Subchapter A, Chapter 263, Family Code, is
4 amended by adding Section 263.007 to read as follows:

5 Sec. 263.007. FOSTER CHILDREN'S BILL OF RIGHTS. (a) In
6 this section:

7 (1) "Agency foster group home," "agency foster home,"
8 "facility," "foster group home," and "foster home" have the
9 meanings assigned by Section 42.002, Human Resources Code.

10 (2) "Foster care" means the placement of a child who is
11 in the conservatorship of the department or an authorized agency
12 and in care outside the child's home in an agency foster group home,
13 agency foster home, foster group home, foster home, or another
14 facility licensed or certified under Chapter 42, Human Resources
15 Code, in which care is provided for 24 hours a day.

16 (3) "Foster children's bill of rights" means the
17 rights described by Subsection (b).

18 (b) It is the policy of this state that each child in foster
19 care be informed of the child's rights provided by state or federal
20 law or policy that relate to:

21 (1) abuse, neglect, exploitation, discrimination, and
22 harassment;

23 (2) food, clothing, shelter, and education;

24 (3) medical, dental, vision, and mental health
25 services, including the right of the child to consent to treatment;

26 (4) emergency behavioral intervention, including what
27 methods are permitted, the conditions under which it may be used,

1 and the precautions that must be taken when administering it;
2 (5) placement with the child's siblings and contact
3 with members of the child's family;
4 (6) privacy and searches, including the use of storage
5 space, mail, and the telephone;
6 (7) participation in school-related extracurricular
7 or community activities;
8 (8) interaction with persons outside the foster care
9 system, including teachers, church members, mentors, and friends;
10 (9) contact and communication with caseworkers,
11 attorneys ad litem, guardians ad litem, and court-appointed special
12 advocates;
13 (10) religious services and activities;
14 (11) confidentiality of the child's records;
15 (12) job skills, personal finances, and preparation
16 for adulthood;
17 (13) participation in a court hearing that involves
18 the child;
19 (14) participation in the development of service and
20 treatment plans;
21 (15) if the child has a disability, the advocacy and
22 protection of the rights of a person with that disability; and
23 (16) any other matter affecting the child's ability to
24 receive care and treatment in the least restrictive environment
25 that is most like a family setting, consistent with the best
26 interests and needs of the child.
27 (c) The department shall provide a written copy of the
28 foster children's bill of rights to each child placed in foster care
29 in the child's primary language, if possible, and shall inform the

1 child of the rights described by the foster children's bill of
2 rights:

3 (1) orally in the child's primary language, if
4 possible, and in simple, nontechnical terms; or

5 (2) for a child who has a disability, including an
6 impairment of vision or hearing, through any means that can
7 reasonably be expected to result in successful communication with
8 the child.

9 (d) A child placed in foster care may, at the child's
10 option, sign a document acknowledging the child's understanding of
11 the foster children's bill of rights after the department provides
12 a written copy of the foster children's bill of rights to the child
13 and informs the child of the rights described by the foster
14 children's bill of rights in accordance with Subsection (c). If a
15 child signs a document acknowledging the child's understanding of
16 the foster children's bill of rights, the document must be placed in
17 the child's case file.

18 (e) An agency foster group home, agency foster home, foster
19 group home, foster home, or other facility in which a child is
20 placed in foster care shall provide a copy of the foster children's
21 bill of rights to a child on the child's request. The foster
22 children's bill of rights must be printed in English and in a second
23 language.

24 (f) The department shall promote the participation of
25 foster children and former foster children in educating other
26 foster children about the foster children's bill of rights.

27 (g) The department shall develop and implement a policy for
28 receiving and handling reports that the rights of a child in foster
29 care are not being observed. The department shall inform a child in

1 foster care and, if appropriate, the child's parent, managing
2 conservator, or guardian of the method for filing a report with the
3 department under this subsection.

4 (h) This section does not create a cause of action.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2170 by Raymond (Relating to assisting a foster child in obtaining the child's credit report.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of Family and Protective Services (DFPS) to ensure that each child in permanent managing conservatorship who is 16 years of age or older obtains a free copy of the child's credit report, and receives information about how to interpret the report and correct any inaccuracies in the report. The bill would take effect on September 1, 2011. It is assumed any cost to implement provisions of the bill would be minimal and can be absorbed within available resources.

The bill would establish a Foster Children's Bill of Rights, require DFPS to provide a written copy to each child placed in foster care, and require the agency to orally inform each child of his or her rights. It would allow foster children to sign a document acknowledging their understanding of the bill of rights which must be placed in the case file. It would require providers to give a copy of the bill of rights to foster children on request. It would also require the agency to print the bill of rights in English and a second language. And it would require the agency to implement a policy for handling reports that the rights of a foster child are not being observed. DFPS reports that a majority of this policy was implemented in December 2009, and indicates that tasks such as rewriting program policy, revising the current children's bill of rights, revising residential child-care licensing contract language, and training staff can be accomplished with existing agency resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family and Protective Services, Department of

LBB Staff: JOB, NM, CL, MB, VJC

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 6, 2011

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2170 by Raymond (Relating to assisting a foster child in obtaining the child's credit report.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of Family and Protective Services to ensure that each child in permanent managing conservatorship who is 16 years of age or older obtains a free copy of the child's credit report, and receives information about how to interpret the report and correct any inaccuracies in the report. The bill would take effect on September 1, 2011. It is assumed any cost to implement provisions of the bill would be minimal and can be absorbed within available resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family and Protective Services, Department of

LBB Staff: JOB, CL, MB, NM, VJC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 11, 2011

TO: Honorable Richard Pena Raymond, Chair, House Committee on Human Services

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2170 by Raymond (Relating to assisting a foster child in obtaining the child's credit report.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of Family and Protective Services to ensure that each child in permanent managing conservatorship who is 16 years of age or older obtains a free copy of the child's credit report, and receives information about how to interpret the report and correct any inaccuracies in the report. The bill would take effect on September 1, 2011. It is assumed any cost to implement provisions of the bill would be minimal and can be absorbed within available resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family and Protective Services, Department of
LBB Staff: JOB, CL, MB, NM, VJC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 4, 2011

TO: Honorable Richard Pena Raymond, Chair, House Committee on Human Services

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2170 by Raymond (Relating to assisting foster children in obtaining and understanding the child's credit report.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of Family and Protective Services to assist children in managing conservatorship who are 16 years of age or older to obtain and understand their credit report. It would be effective on September 1, 2011. The agency indicates any cost to implement provisions of the bill can be absorbed within available resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family and Protective Services, Department of

LBB Staff: JOB, CL, MB, NM, VJC